

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL E. MEGGINSON,

Plaintiff,

-against-

CHIEF STUKES, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/1/2022

1:21-cv-9599 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Pro se Plaintiff Michael E. Megginson filed his complaint in this matter on November 18, 2021. [ECF No. 1.] On August 29, 2022, Defendants filed a letter motion, requesting a pre-motion conference on their anticipated motion to dismiss the complaint. [ECF No. 28.] On September 1, 2022, this Court entered a Scheduling Order, granting Defendants leave to file a motion to dismiss on or before September 29, 2022, and instructing Plaintiff to file an opposition on or before October 27, 2022. [ECF No. 29.] On September 29, 2022, Defendants moved to dismiss the complaint. [ECF No. 30.] As of the date of this Order, the Court has not received Plaintiff's opposition to the Defendants' motion to dismiss.

IT IS HEREBY ORDERED that Plaintiff shall file his opposition to the motion to dismiss or file a letter indicating that no opposition will be filed by December 1, 2022. If Plaintiff files an opposition, Defendants' reply, if any, is due by December 8, 2022. If Plaintiff opts not to file an opposition, the motion will be deemed unopposed.


Plaintiff is advised that failure to comply with this order may result in the case being dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014) ("Rule 41(b) of the Federal Rules of Civil Procedure authorizes the district

court to dismiss an action if the plaintiff fails to prosecute or to comply with the rules or a court order” (cleaned up)).

The Clerk of the Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff at the address of record.

SO ORDERED.

Date: November 1, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge